

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

“For the reasons stated in the accompanying affidavit, the

petitioner prays that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring the action of the authority as illegal, arbitrary and unjust and to set aside the urgent notice dated 2.6.2006 considering the unprecedented sickness, disability of the Proprietor of petitioner in paying the amounts as directed by this Hon'ble Court in WP No. 4273 of 2006 complied belatedly and to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard the learned Government Pleader.

At para 6 of the affidavit, the petitioner explained his inability to comply with the conditional order in the following words :

"6. The petitioner humbly submits that as the ill luck would have it, I was attacked with 'Chikun Gunya' and by the time the disease was traced, I was totally unable to move from the bed and was under treatment for the same for the period from 26.3.2006 to 15.4.2006. The petitioner submits that the petitioner could not comply with the orders passed by the Hon'ble High Court in time i.e., 31.03.2006 because of the disease I had suffered and the same is not willful omission or disobedience and as such the petitioner submits that the petitioner has never had an intention to disobey the orders of this Hon'ble Court."

In the circumstances, accepting the explanation

of the petitioner, we deem it appropriate to dispose of the writ petition at the admission stage by quashing the notice of the respondents dated 2.6.2006. Notice dated 2.6.2006 issued by the respondent is quashed.

-
-

(J.CHELAMESWAR, J)

-
-

(M.VENKATESWARA REDDY,J)

11th September, 2006.
Knk